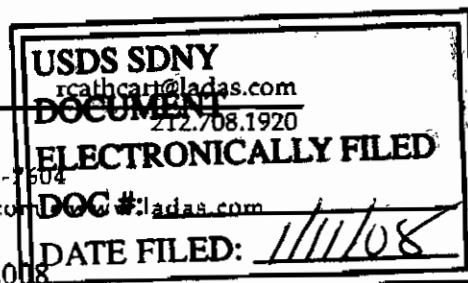


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January 11, 2008

MEMO ENDORSED**VIA FACSIMILE**Honorable P. Kevin Castel
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
Room 2260
New York, NY 10007

Fax No.: (212) 805-7949

No. of Pages: 1

*Conference adjourned
from Jan 16 to
January 23, 2008 at
10:30 a.m.*Re: Galbraith & Paul, Inc. v. Ruby Tuesday, Inc. 07 Civ. 10512 (PKC)(AJP)

Dear Judge Castel:

We represent defendant Ruby Tuesday, Inc. and are writing to request an adjournment of the Initial Pretrial Conference, currently scheduled for January 16, 2008, to January 23, 2008. (In an e-mail dated January 9, 2008, the Court notified plaintiff's counsel that the Initial Pretrial Conference, originally scheduled for January 18, 2008, had been rescheduled to January 16, 2008).

No previous request for an adjournment of the Initial Pretrial Conference has been made by either party. Plaintiff's counsel has consented to the within request for an adjournment (with the further request that any adjournment by the Court not exceed seven days so that this matter may be promptly brought to resolution). Pursuant to the e-mail of Your Honor's clerk, Drew D'Agostino, dated January 9, 2009, we are faxing the within request to Chambers.

Respectfully submitted,

Ralph H. Cathcart

Ralph H. Cathcart

RHC:rmr:pr

cc: **VIA E-MAIL**
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*SO ORDERED
USDS
1-11-08*